

EXHIBIT N

From: [John Ryan](#)
To: [Jon Kelley](#); [Jeremy Fielding](#)
Cc: [Clint Cowan](#); [Daniel DeCicco](#); [Karyn Cooper](#)
Subject: RE: Re: Local Law No. 7
Date: Tuesday, August 6, 2019 9:18:06 AM

It is unfortunate that you will not rely on my representation as an officer of the Court that this law will be passed in September. Instead, you choose to waste additional time in proposing needless discovery schedules. Your assertions about the license processing fee being unconstitutional is absurd.

John E. Ryan, Esq.
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From: Jon Kelley <jkelly@lynnllp.com>
Sent: Monday, August 05, 2019 5:04 PM
To: John Ryan <JRyan@RBDLLP.net>; Jeremy Fielding <jfielding@lynnllp.com>
Cc: Clint Cowan <Ccowan@lynnllp.com>; Daniel DeCicco <ddecicco@deyblp.com>; Karyn Cooper <kcooper@lynnllp.com>
Subject: RE: Re: Local Law No. 7

John,

As discussed on our call this afternoon, the federal rules require us to file a 26(f) report reflecting the “subjects on which discovery *may* be needed,” which – unless and until the Village passes an amendment to its current solicitation ordinance – will necessarily include discovery related to our claim against the Village’s bond and curfew. We cannot agree to forgo discovery on our constitutional claim based on your verbal indication that the Village might pass an amendment in September.

Relatedly, Section 171-3 of the amendment attached to your earlier email contains a \$200 solicitation fee that we believe is unconstitutional. As we’ve discussed, a fee charged for a solicitation license should be no more than what is necessary to cover administrative costs associated with processing the license. This fee is generally anywhere from \$25-\$50, depending on the municipality. Relevant caselaw makes clear that anything over the amount necessary to cover administrative expenses constitutes an unconstitutional tax on First Amendment activity. I’ve previously sent caselaw making this fact clear, and can make myself available to discuss this issue anytime you are available to do so.

Ultimately, East Rockaway's proposed amendment does not solve our problems with the solicitation ordinance, but only introduces another problem in the form of an unconstitutional fee. We far prefer to avoid further use of judicial resources and expenditure of attorneys' fees, and for those reasons urge the Village not to pass an amendment that includes such a clearly unconstitutional provision.

As discussed, we will circulate a draft Rule 26(f) report for the Village's review and comment in the very near future.

Thanks,
Jon

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Benchmark Litigation - Top 10 Litigation Boutiques in America - 2017

From: John Ryan <JRyan@RBDLLP.net>
Sent: Monday, August 5, 2019 11:11 AM
To: Jeremy Fielding <jfielding@lynnllp.com>; Jon Kelley <jkelley@lynnllp.com>
Subject: FW: Re: Local Law No. 7

FYI

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From: Staff 2 <Staff2@RBDLLP.net>
Sent: Monday, August 05, 2019 12:04 PM

To: Patty@villageofeastrockaway.org

Cc: John Ryan <JRyan@RBDLLP.net>

Subject: Re: Local Law No. 7

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